

Considered: _____

WATER PERMIT NO. 1718A-3

HAP No. same

Name of Applicant Chef Reddy Foods Corp. Midwest

Post Office Address P.O. Box 100, Clark SD 57225

Amount of Water Claimed 0.55 cfs 81 ac-ft annually Total Acres NA

Source of Water Supply ground water 1 well

Water to be used for industrial purposes County Clark

About 1/2 miles E of Clark

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY

Date Received June 29, 1987 Fee \$150⁰⁰ Remarks appl. is to
appropriate (81 ac-ft) .55 cfs in addition to .22 cfs authorized by No. 1718-3

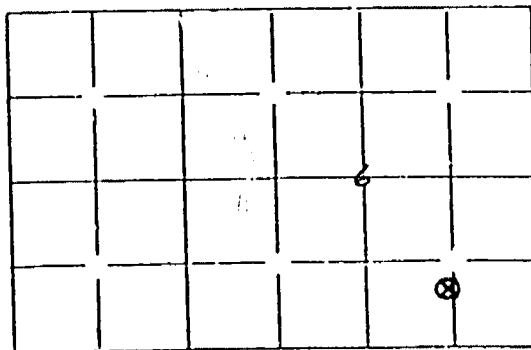
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: S 1/2 SE 1/4 section 6 - T116N-
R57W

Land to be Irrigated NA



Well Log: Driller L.T.P. Enterprises Licensed YES ☒ NO ☐

Depth of Well ≈ 500 feet REMARKS well was drilled as replacement to
well authorized by Water Right No. 1718-3; approximately 20 feet away from original well

Type of Map Topo PREPARED BY Jean M. Simley Reviewed and the Number
assigned on July 1, 1987 By Ron Duwall

No. 1718A-3 Hydrologic Unit 10170201
 Map No. same Basin Big Sioux River
 Newspaper Clark County Courier, Box 189, Clark (Wed)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant CHEF READY FOODS CORP. MIDWEST Phone No. 605-532-3651Post Office Address P.O. Box 100, Clark State SD Zip Code 57225
(Street, RR or Box) (Place, feet annually)2. Amount of water claimed (c.f.s.) 55 250 gpm in addition to appropriation specified on water right No. 1718-33. Source of water supply ground water4. Location of point of diversion well: E 1/2 SE 1/4 section 6 - T116N - R57WCounty Clark5. Counties where water will be used Clark6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

water is used for processing potato products.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of _____)1. CHEF READY FOODS CORP. MIDWEST the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Doreen C. Weigal Plant ManagerSubscribed and sworn to before me this 25th day of June, 1987

Notary Public (or other qualified officer)

My Commission Expires July 28, 1989

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1718A-3
 Chef Reddy Foods Corporation Midwest P.O. Box 100
(Applicant) (Street, RR or Box)

Clark, South Dakota 57225 With the following qualifications.

1. The casing of the well to be constructed under Permit No. 1718A-3 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface and the well constructed in compliance with Water Management Board Well Construction Rules Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. Maximum annual withdrawal of water under this Permit is limited to 81 acre-feet.

Date of first receipt of application June 29, 1987.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved September 9, 1987.

The Water Management Board approved this Water Permit No. 1718A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is June 29, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before March 9, 1990.
3. The whole of said work is to be completed on or before September 9, 1992.
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 9, 1996.
5. The water appropriated shall be used for the purpose of industrial use for processing potato products

The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.

7. The amount of the appropriation granted shall not exceed 0.55 cubic feet per second; neither shall it exceed the amount of water needed for the beneficial uses served and to which water is actually and beneficially applied for industrial use on or before September 9, 1996. The water is to be used during the following described annual period: January 1 - December 31

WATER MANAGEMENT BOARD

By: John Hatch Chief Engineer JOHN HATCH

Division of Water Rights
 Dept. of Water and Natural Resources

NOV 3 1987

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 17 1/2" Depth 499.5'
 b) Casing Type Metal (Baker Steel) Diameter 12" Thickness .375"
 c) Screen Type STAINLESS STEEL Diameter 6" Thickness 30 gauge Wire wound
 d) Gravel Pack Thickness 2 3/4" Length of Gravel Pack 57.9'
 e) Depth to Top of Water Bearing Material 481' 15.5' - SCREEN 42.4' - gravel pack
 f) Depth of Water (ground surface to water level) 200'
 g) Distance to nearest existing domestic well:
 On applicants property 1/2 mile On property owned by others 1/4 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
 b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:

Pipe diameter _____

Spillway width _____

f) X & Y Slope

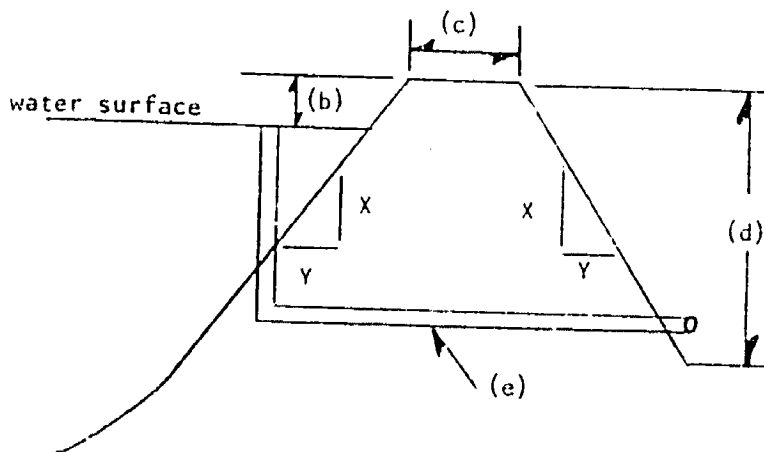
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Chief Reentry Corp, Care, Minnesota
 Signature of Applicant

Donna C. Wengel Plant Manager

August 21, 1987
(date)

page 1 of

Parties of Record before Water Management Board regarding
Water Permit Application No. 17184-3

FOR:

AGAINST:

1. Donovan C. Weigel, Plant Manager City of Clark
Chee Reddy Foods Corp. Midwest Clark SD 57225
P.O. Box 100 represented by:
Clark, SD 57225 Frederic R. Moulton, city atty.

2.

3.

4.

5.

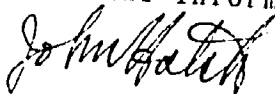
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1718A-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1718A-3, Chef Reddy Foods Corp, PO Box 100, Clark SD.

The Chief Engineer is recommending APPROVAL of Application No. 1718A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The casing of the well to be constructed under Permit No. 1718A-3 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface and the well constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
July 30, 1987

REPORT ON APPLICATION NO. 1718A-3
CHEF REDDY FOODS CORPORATION
July 24, 1987

Water Permit Application No. 1718-3 was received January 14, 1970 to appropriate 0.60 cfs from one well for use in processing potato products. The application was approved March 18, 1970 and a water license was issued for 0.22 cfs on December 28, 1978. Water Right No. 1718-3 incorrectly identifies the location of the original well as being in the NE 1/4 SE 1/4 Section 6, T116N, R57W. The well location specified is within 660 feet of the present well location. Application No. 1718A-3 identified the correct location of the replacement well which is approximately 20 feet from the original well. Water Right No. 1718-3 will be incorporated into Application No. 1718A-3, if approved, during the licensing procedure. The correct legal description of the well will then be placed on the water license.

Application No. 1718A-3 proposes to appropriate an additional 0.55 cfs (250 gpm) from one well 499.5 feet deep located in the SW 1/4 SE 1/4 of Section 6, T116N, R57W. This application would increase the total diversion from the well from 0.22 cfs (Water Right No. 1718-3) to 0.77 cfs. The water is used for commercial purposes for the processing of potato products. Wastewater is disposed of to a waste pond and also from the pond through an irrigation system. The Division of Environmental Quality monitors the wastewater disposal.

Aquifer - Altamont

The Altamont Aquifer is a Pliocene aged outwash (sand and gravel) aquifer under artesian conditions in this area. In the Clark County Study (Hamilton, 1986) reports that the Altamont Aquifer consists of three units. The #3 unit is the source of water for this application. According to Hamilton the #3 unit contains 810,000 acre-feet of water in storage. Also the #3 unit and the #2 unit are hydraulically connected in the subsurface west of Clark. The #2 unit contains 3.23 million acre-feet of water in storage and Hamilton estimated that 54,000 acre-feet of water recharges the combination of both aquifers.

The Division of Water Rights does not monitor any observation wells in the Altamont #3 Aquifer in this area. The only information available is what Hamilton reported in Bulletin 29, the Clark County Study. This data is for a short time period but did illustrate water level declines in this area due to pumping.

The best information available was provided by the driller LTP Enterprises, Inc., which indicates a new replacement well for Chef Reddy produced 300 gpm with 67 feet of drawdown after 21 hours of pumping. The original static water level was 200 feet below land surface. By comparing this data with Hamilton's data in his report, it appears that water levels have continued to decline since 1979, probably 20 to 30 additional feet of decline. An observation well is needed to verify these estimates and effects.

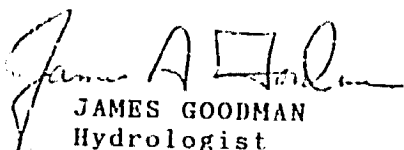
Records (Water Rights, 1987) indicate that there are domestic wells which tap this formation in this area.

Review of Existing Water Rights

There is one existing Permit No. 4861-3 for one well 496 feet deep for 0.67 cfs for the City of Clark. This well is located less than 1/2 mile west of the Chef Reddy well. There is and will continue to be interference between these wells. Apparently, this has not been a problem in the past. Data is not available at this time to fully access the extent of interference. Certainly, the potential for interference will increase as withdrawals increase and it may become necessary for the City of Clark and Chef Reddy to lower their pumps.

Conclusions

1. There is water available from the Aitmont Aquifer.
2. Recharge estimates by Hamilton indicate recharge is more than sufficient to meet these withdrawals.
3. Interference is a concern. Certainly the wells will create overlapping drawdowns. This could be significant in terms of requiring lowering of pumps or installing pumps which can lift water from a greater depth at the needed diversion rate. Data is not available at this time which would allow predictions to be made. The information in Hamilton's report (page 46) indicate the potential drawdowns at specific distances from the production well. A copy of page 46 is included with this report.
4. An observation well should be drilled into this formation in the vicinity of the production wells to monitor interference potential.
5. The City of Clark and Chef Reddy should cooperate and begin collecting accurate pumping and water level data to access the interference potential.
6. Application No. 1718A-3 is for an increase of 0.55 cfs in the diversion rate for the new Chef Reddy well. The new well was drilled as a replacement well.


JAMES GOODMAN
Hydrologist

Bibliography

Hamilton, L.J., 1986, Geology and Water Resources of Clark County SD, Parks II, Water Resources, USGS, Bulletin 29, SDGS, Vermillion SD.

Water Rights Division, 1987, Records of Well Logs, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

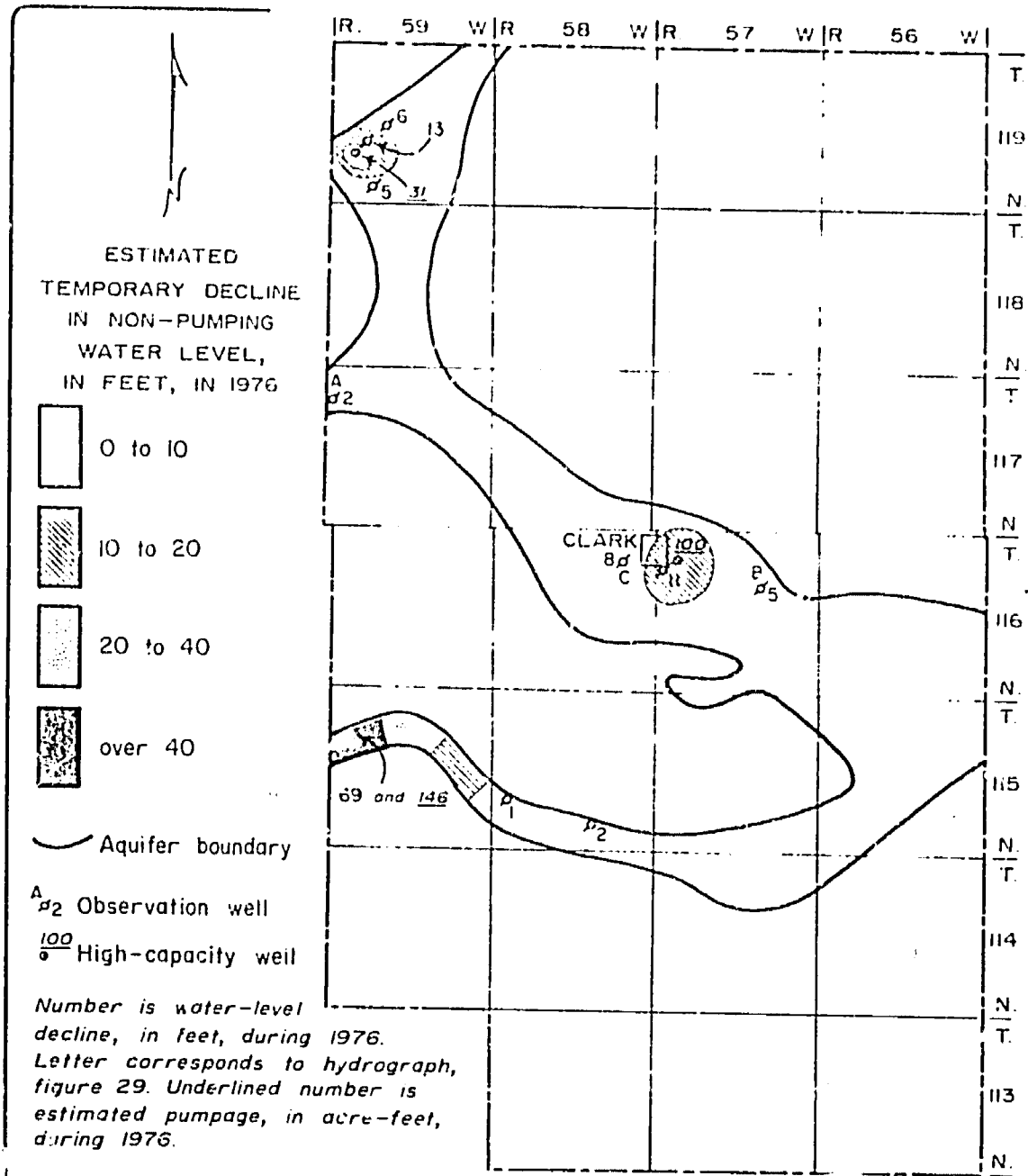


Figure 28. Map and table showing temporary water-level decline and pumpage during 1976, Altamont aquifer 3.

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No. _____



STATE OF SOUTH DAKOTA)
County Clark) ss.

I, David Moritz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clark County Courier

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

State South Dakota of _____

County of Clark and State of South Dakota, that the said notice was published in said newspaper on the following two dates:

August 5, 1987

August 12, 1987

[Signature]
(Signature)

[Signature]
(Title)

8-26-87
(Date Signed)

Subscribed and sworn to before me this 26th day of August, 1987.

[Signature]

Cost of Printing: 38.50

93 lines 2 times

Jeaneen W. Gieger
Notary Public - South Dakota
Clark County
My Commission Expires July 9, 1993

Notice of Hearing
on Application No. 1718A-3 to
Appropriate Water

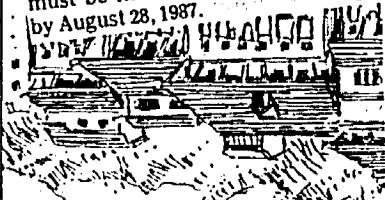
Notice is hereby given that Chief-Reddy Foods Corporation, Midwest whose mailing address is P.O. Box 100, Clark, South Dakota has made an application for a permit to appropriate 0.55 cubic feet of water per second (81 acre-feet annually) from one replacement well (Altamont Aquifer) 300 feet deep located in the S½SE¼ Section 6-T116N-R57W. This water appropriation is in addition to the 0.22 cfs authorized by Water Right No. 1718-3. Water is used for the industrial purpose of processing potato products by Chief-Reddy Foods.

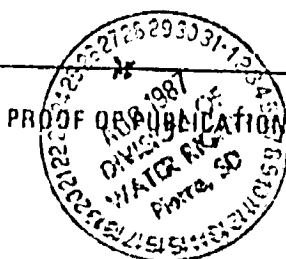
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1718A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216 Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, September 9, 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.





I, David Moritz hereby

Water was taken from the Clark County Courier
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

County of Clark and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

August 12, 1987

(Signature)

P. H. H. (Title)

9-26-87
(Date Signed)

Subscribed and sworn to before me this 26th day of August, 1987.

Cost of Printing: 38.50

Jeanne W. Binger
Notary Public - South Dakota
Clark County
My Commission Expires July 9, 1993

WNR-808-7/79
Proof of Publication

Notice is hereby given that Chef-Reddy Foods Corporation, Midwest whose mailing address is P.O. Box 100, Clark, South Dakota has made an application for a permit to appropriate 0.55 cubic feet of water per second (81 acre-feet annually) from one replacement well (Altamont Aquifer) 500 feet deep located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6-T116N-R57W. This water appropriation is in addition to the 0.22 cfs authorized by Water Right No. 1718-3. Water is used for the industrial purpose of processing potato products by Chef-Reddy Foods.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1718A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216 Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, September 9, 1987 at 10:00 a.m.

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This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-61-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-13, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1937.

Instruction to Newspaper - Publish first publication of the following Notice on or before August 5, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1718A-3 to Appropriate Water ~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Chef Reddy Foods Corporation, Midwest, whose mailing address is P.O. Box 100, Clark, South Dakota has made an application for a permit

to appropriate 0.55 cubic feet of water per second (81-acre-feet annually) from one replacement well (Altamont Aquifer) 500 feet deep located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6-T116N-R57W. This water appropriation is in addition to the 0.22 cfs authorized by Water Right No. 1718-3. Water is used for the industrial purpose of processing potato products by Chef Reddy Foods.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1718A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, September 9, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 28, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-2.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15-02 thru 74:02:01:15-05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 31, 1987

Clark County Courier
Box 189
Clark, South Dakota 57225

Dear Sir:

Enclosed is a Notice of Hearing to Application No. 1712A-3. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 5, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Chef Reddy Foods Corp., Midwest, Box 100, Clark, SD 57225.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
(605) 773-3352

July 31, 1987

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Chef Reddy Foods Corp. Midwest
Box 100
Clark, South Dakota 57225

Dear Sir:

Your Application No. 1718A-3 for a permit to appropriate water for
Industrial use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Clark County Courier printed at Clark
South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,



RON DUVALL
Natural Resources Engineer

enclosures

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, June 29, 1927

RECEIVED OF WUKA Chef-Reddy Foods, Corp., PO Box 100, Clark, SD 57225
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	150	00

By J. H. Hatch
Chief Engineer JOHN HATCH (TS)

CITY OF CLARK
A BETTER BUSINESS CENTER FOR
BETTER BUSINESS MEN
CLARK, SOUTH DAKOTA 57225



August 19, 1987

Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Application #1718A-3 to Appropriate Water
Chef-Reddy Foods Corporation-Midwest, Clark, SD

Gentlemen:

The mayor and City Council of the City of Clark, South Dakota wish to go on record as opposing the above referenced application.

The City of Clark itself has a well at the same level and in the same aquifer from which the applicant now wishes to increase its rate of water usage. We feel that that represents a possible future threat to the water supply of the City of Clark.

We recognize the importance of Clark County's premier industry, Chef-Reddy Foods-Midwest, but feel it is our duty to recommend that you do not approve this application because of the possible future threat to the water supply of the City of Clark.

We do not intend to participate in the hearing but ask that this letter be read into the record.

Thank you.

Sincerely,

Frederic R. Moulton
Clark City Attorney
FRM:mjs



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 24, 1987

Donovan C Weigel, Plant Manager
Chef Reddy Foods Corporation Midwest
PO Box 100
Clark SD 57225

Dear Mr. Weigel:

Enclosed is a copy of a petition in opposition to Water Permit Application No. 1718A-3 submitted by the City of Clark. This letter is to inform you of opposition to the permit application.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer
605 773-3352

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 3 1987

Chef Reddy Foods Corporation Midwest
PO Box 100
Clark, South Dakota 57225

Dear Sir:

Enclosed herewith is your Water Permit No. 1718A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1718A-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE



Date November 5, 1987

TO: Water Rights Division, DWRH
Joe Foss Building
Pierre SD 57501-3131

FROM: Chef Reddy Foods, Midwest, Hwy. 212 E., Clark, South Dakota
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1718A-3.

Water Permit No. 1718A-3 states that the diversion system is to be constructed by L.T.P. Enterprises, and that the water is put to beneficial use by July 15, 1986.

The diversion system was completed on July 15, 1986.
Applying the water to beneficial use was completed on July 15, 1986.

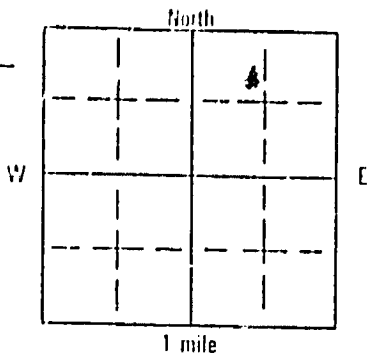
You may schedule an inspection so that the Water License may be issued.

Chef Reddy Foods, Midwest
Dorran C. Seigel, Plant Mgr.
signature

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location _____ 1/4 Sec _____ Twp _____ Rg _____

County
ClarkPlease mark well
location with
an "X"

Well Completion Date 7-30-86

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Stock

Method of Drilling

Forward Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
49.56 LB/FT	12 IN	G.L. FT	495 FT	10 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 485 FEET

What is grouting material? Neat Cement

If cement, number of sacks? 300

Describe grouting procedure Forced out of casing into annulus from bottom to top

What was grout weight? 368 15 LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 6" IN Length 15 FEET

Material Stainless Steel

Slot Size 40 Set From 484.5 Feet To 499.5 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Chief Realty Co.

Address _____

Well Log

Depth

Formation

From

To

Log Attached

STATIC WATER LEVEL 200' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe _____

☐ Other

Pumping Level Below Land Surface

266.90 ft After 21 Hrs. pumped 300 GPM

_____ ft After _____ Hrs. pumped _____ GPM

_____ ft After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm L.T.P. Rotaprices, Inc.

Signature of license Representative:

Signature of Well Owner:

Date 2/1/87

DATE MICROFILMED

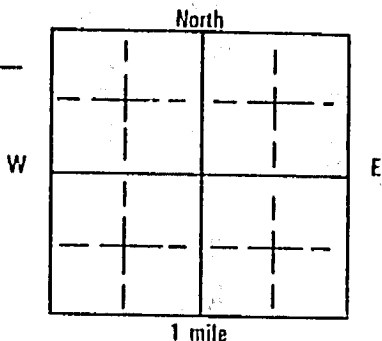
CAMERA OPERATOR

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location 1/4 1/4 Sec Twp Rg
County

Please mark well location with an "X"



Well Owner:

Name Chief Reddy Foods

Address PO Box 100

Clark, SD 57225

Plugging completion Date 7-11-86

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth 508'

Casing material Steel

Casing size(s) 8"

Casing condition Hole in it

Hole depth

Hole size

Describe plugging procedure: Pulled pump - filled screen with sand - installed 4" pipe to top of screen. Installed grout through 4" pipe - pulled 4" pipe. Added grout as pipe is pulled.

Describe grout or plugging material: Cement grout

Type of non-slip plug:

This well or test hole was plugged under license # 301 And this report is true and accurate.

Drilling firm L.T.L. Enterprises Inc.

Signature of licensed Representative [Signature]

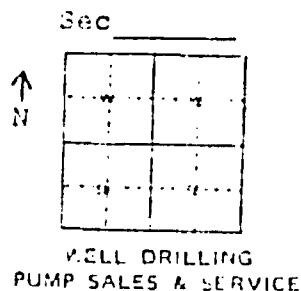
Signature of Well Owner

Date 7-27-87



Box 2131
FARGO, N. DAK. 58102

Phone (701) 232-8928
DRILLERS LOG



Drilled for Chef Reddy Foods by Fargo Office
Location of property East edge of Clark, S.D.
Test hole No 2 Location of test hole 40' E. S.E. of office Bldg well No.
Size of test hole 6 3/4 Date started 7-14-86 Date completed: 7-15-86 Total Hours 13 3/4

FORMATIONS DRILLED

TYPE OF FORMATION	COLOR OF FORMATION	STARTED AT WHAT DEPT	ENDED AT WHAT DEPT	THICKNESS OF FORMATION
Fill	Brown	G.L.	3'	3'
Fine silty sand	Brown	3'	14'	11'
Sandy clay	Gray	14'	23'	9'
Very sandy clay	Blue	23'	28'	5'
Sandy clay	Blue	28'	129'	101'
Lenses of sand & clay	Blue	129'	134'	5'
Sand	Gray	134'	139'	5'
sand	Colored	139'	142 1/2'	3 1/2'
Sand	Gray	142 1/2'	155'	12 1/2'
Sandy clay	Blue	155'	160'	5'
Very sandy clay	Blue	160'	323'	163'
Sand	Gray	323'	326'	3'
Sandy clay	Blue	326'	445'	119'
Sand	Gray	445'	446'	1'
Sandy clay	Blue	446'	481'	35'
Dirty sand	Gray	481'	484'	3'
Sand	Gray	484'	499 1/2'	15 1/2'
Sandy clay	Blue	499 1/2'	507'	7 1/2'

Signed Don Hejtinanek Driller



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1718A-3 —

April 28, 1988

Chef Reddy Foods Corporation Midwest
PO Box 100
Clark, South Dakota 57225

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1718A-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411253

Pierre, May 12, 1938

RECEIVED OF Chief Reddy Food Corp., PO Box 100, Clark, SD 57225-0100

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1710R-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH ms

Permit No. 1718-3 & 1718A-3Big Sioux Water District
10170201**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Chef Reddy
Feeds Corporation Midwest of Clark, SD 57225 holder of
 Permit No. 1718-3, bearing the priority of Jan. 14 70 authorizing
June 29 19 87 the diversion of .77 cu. ft. per second of the waters of groundwater (1 well)
 for industrial purposes, in Clark County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: 1 Well (499.5' deep)
485' of 12" Steel Casing, 15' of St. Steel Screen
VCT 1 Submersible Pump (Model G89784 E), 40 H.P. Motor
- B. Works used to transport water to place of use:
≈ 30' of 8" metal pipe from well to storage tank
- C. Works used to apply water to beneficial use:
water used for industrial purposes in the potato processing plant.

The system is in the following condition goodThe point of diversion is located SW 1/4 SE 1/4 Sec. 6 - T116N - R57W
1250' E & 950' N of the SW corner of the SE 1/4 of Sec. 6The works are capable of diverting and conveying to the place of use 0.8cu. ft. per second of water which is to be used for industrial purposesWater has been put to beneficial use to the maximum extent as follows: industrial purposescomprising a total of — acres of land and the license should be issued for 0.77 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: —0.55 cfs from June 29, 1987 Date 4-21-880.22 cfs from January 14, 1980James L. Wendt
(signature)

Chef Reddy
4-21-88

LICENSE FOR PERMIT NUMBER 1718A-3

1. Legal location of wells: SW 1/4 SE 1/4 Co-116N-57W

dams & structures: _____

2. Well Information: Well Drilling Firm L.T.P. Enterprises, Fargo, ND

No. of wells 1 Depth 499.5'

Casing a) diameter 12" Screen a) type St. Steel
b) length ≈ 485' b) length 15'
c) type Steel Static Water Level —

Pump a) make VCT 1 Motor a) make —
Submersible b) model G89784 E b) model no. —
c) size — c) horsepower rating 40
d) capacity 360 GPM d) motor efficiency rating 3450 RPM
e) turbine pump no. of stages —

3. Distribution lines:

a) size of lines 8"
b) type Metal
c) length ≈ 30' From

Water used For industrial
purposes in plant.
(pumping 350 gpm.)

well to reservoir tank ?
(≈ 10,000 gallons)
?

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

N/A
✓
✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

State of South Dakota

Water License No. 1718A-3

(1) Chef Reddy Foods Corporation, Midwest

of PO Box 100, Clark, South Dakota 57225-0100

made Application No. 1718A-3, June 29, 1987

for a water permit to appropriate 0.55 cubic feet per second of water from groundwater (one well),
Clark County, South Dakota for industrial purposes.

Permit No. 1718A-3, with a priority date of June 29, 1987

was approved September 9, 1987 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 9, 1992 and for the application to beneficial use of said water on or before September 9, 1996.

Water Permit No. 1718A-3 authorizes an additional 0.55 cfs (with a maximum annual withdrawal of water limited to 81 acre-feet) from a replacement well. This appropriation was in addition to the 0.22 cfs authorized by Water Right No. 1718-3.

The applicable portions of Water Right No. 1718-3 have been incorporated into this Water License No. 1718A-3. A priority date of June 29, 1987 is retained for 0.55 cfs and a date of January 14, 1970 is retained for 0.22 cfs.

and

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.77* cubic feet per second of water for beneficial use. The location of the diversion point(s) is 1250'E and 950'N of the SW Corner of the SE1/4 Section 6, T116N R57W (SW:SE1/4)

*The maximum annual withdrawal of water is limited to 81 acre feet.

and

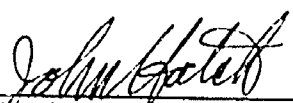
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, _____

(4) Pursuant to §46-5-30.1 Chef Reddy Foods Corporation, Midwest

of PG Box 100, Clark, South Dakota 57225-0100

the holder(s) and/or owner(s) of [△] Incorporated ~~Water Permit~~ No. 1718A-3 is issued a license to appropriate water, the right to use 0.77 cubic feet per second of water from groundwater (one well) with ☒ priority dates of June 29, 1987 for 0.55 cfs and January 14, 1970 for 0.22 cfs from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of industrial purposes in the potatoe processing plant

This license is subject to any limitations or qualifications listed in [△] Incorporated ~~Water Permit~~ No. 1718A-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 20 1988

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 20 1988

1718A-3
1718-3

Donovan Weigel, Plant Manager
Chef Reddy Foods Corporation, Midwest
PO Box 100
Clark, SD 57225-0100

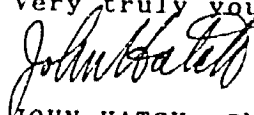
Dear Mr. Weigel:

Enclosed is Water License No. 1718A-3. This is the final water right document completing your process of obtaining a Water Right. The applicable portions of Water Right No. 1718-3 were incorporated the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1718A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures



2000 South Dakota Water Use Questionnaire

To:

CHIEF REDDY FOODS CORP
PLANT MGR, PO BOX 100
CLARK SD 57225

Address correction requested:

McCaum Foods (ISA)
P.O. Box 160
Clark S.D. 57225

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit(Right No. 1718A- If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: ALTAMONT
Management Unit: NOT APPLICABLE

County: CLARK
Pumping Pt. Legal: SEC 06-T116N-R57W
Type of Water Use: INDUSTRIAL

- 1) Please estimate your year 2000 water use from the above water source: 25,600,000 gallons
- 2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

Contact Person:

Tim Van Hatten

Telephone No:

605-532-3651 x229

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.



Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 6, 2001

No. 1718A-3

McCain Foods USA
Tim Van Hatten
PO Box 100
Clark SD 57225

Dear Mr. Van Hatten:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1718A-3. The water right is currently listed in the name of Chef Reddy Foods Corp.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416756

Pierre, February 9, 2001

RECEIVED OF Mc Cain Foods, USA, PO Box 100, Clark SD 57225

the following amount in fees for services rendered as provided for by law: (Chef Reddy Foods Corp)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 1718A-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Donald E. Erbe
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1718A-3

Date: 2-8-01

I/We request that Water Right No. 1718A-3

formerly owned by: Chef Reddy Foods Corp

be transferred to: (name & address) McCain Foods USA, PO Box 100, Clark SD 57225

Telephone No. 605 532-3651

Title to the following described land(s)/property has been transferred as described above:

one well located in the SW 1/4 SE 1/4 Section 6-T116N-R57W

I/We understand that the validity of Water Right No. 1718A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Clark)

I/We McCain Foods USA being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Tom Van Hatten
(Signed)

Engineering Manager

Subscribed and sworn to before me this 7 day of February, 2001.

Christine Layman
(Notary Public)

Commission expires 10-27-06

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 15, 2001

1718A-3

Mc Cain Foods, USA
PO BOX 100
Clark, SD 57225

Dear Sir:

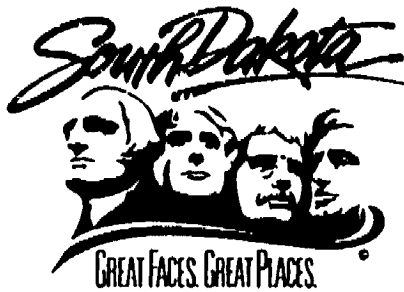
Thank you for following up on the ownership change for Water Right No. 1718A-3. The transfer has been completed. The water permit formerly listed in the name of Chef Reddy Foods Corp. listed in your name.

Enclosed is your Receipt No. 416756 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 11, 2002

RE: McCain Foods USA, Inc.

Doug Hahn, Manager of Environmental Engineering
McCain Foods USA, Inc.
P.O. Box 10
Plover, WI 54467

Dear Mr. Hahn:

The South Dakota Department of Environment and Natural Resources (DENR) wishes to thank you for your time and participation in the conference call on Wednesday, January 9, 2002. The following is a list of attendees, programs represented, and telephone numbers:

Jeanne Goodman – Surface Water Quality – (605) 773-3351
Lonnie Steinke – Surface Water Quality – (605) 773-3351
Eric Thunstrom – Surface Water Quality – (605) 773-3351
Jim Wendte – Waste Management – (605) 773-3153
Tom Brandner – Ground Water Quality – (605) 773-3296
Gary Haag – Ground Water Quality – (605) 773-3296

As we discussed during the conference call, you need to submit a lagoon closure plan to DENR, including a schedule for final closure, which outlines McCain's plans for the disposition of the water and sludge in the wastewater lagoons. DENR should receive this plan six weeks prior to the plants closing to allow time to review and approve the plan.

Surface Water Quality

McCain Foods currently has a Surface Water Discharge (SWD) permit (SD-0026603) that allows the wastewater from the lagoons to be land applied by irrigation. While this permit has expired, DENR has granted authorization to continue operating. However, if another facility were to use these lagoons, DENR would likely reevaluate what types of permit(s) would be required for the new operation depending upon the type of business that wants to use the facility. Once flows to the lagoons cease, disposal of wastes is completed, and the potential for future discharges and/or land application is eliminated, you can notify DENR in writing to terminate your SWD permit, to avoid paying annual permit fees.

DENR requires the following items to be completed in closing down the wastewater lagoons:

1. The water in the lagoon must be removed (pumped out and irrigated in compliance with your SWD permit conditions);
2. Decide on the final disposal of the sludge based on the following options:
 - Remove the lagoon sludge and dispose of the sludge in a permitted municipal solid waste landfill. Many landfills require that the sludge be dewatered in order to pass the Paint Filter Test. The closest permitted landfills are in the cities of Brookings and Watertown.
 - Remove the lagoon sludge and land apply the sludge at acceptable application rates and incorporate it into the soil immediately upon application. This would be considered a one-time beneficial reuse of the waste. The department would need to review the waste characterization, application rate, and site location. Once the sludge is properly disposed of, some or all of the lagoon dikes should be collapsed and recontoured to prevent the accumulation of water in the lagoons and unauthorized discharges from occurring.

Air Quality

McCain Foods currently has an Air Quality permit (SD Permit Number 28.0301-18). A written notification to DENR is required to terminate your Air Quality permit. If you intend to sell the property, and the buyer desires to maintain the air permit, the new owner must submit written notification to DENR along with a certification of applicant form to transfer the permit. If you have further questions concerning the Air Quality permit, contact Chris Hanson at (605) 773-3151.

Water Rights

McCain Foods currently holds Water Right No. 1718A-3 to use 350 gallons per minute of water from one well for industrial use. If water use at the plant will cease, the water right may be abandoned. The water right will then be cancelled and the well must be plugged in accordance with South Dakota well construction standards. However, a water right is not formally subject to forfeiture until water is not beneficially used for a period of three years. If there is any intention of another industrial user acquiring the property and making beneficial use of the water within three years of when water use ceased, the water right can simply be held and transferred to the new owner. If you have further questions concerning the water right, contact Eric Gronlund at (605) 773-3352.

If McCain Foods were going to keep the lagoons for a new industry, what needs to be done? DENR would need information on the type of industrial process and the new industry's plans for using the lagoons. It would likely be necessary to have an engineer evaluate the lagoons to see if they meet current design standards. DENR does not have any records that show the existing lagoons are lined. The lagoons would have to be brought up to existing state standards to be used by a new business relocating to this facility. A new Surface Water Discharge permit may need to be issued to any new industry using the lagoons.

Thank you for protecting the natural resources of South Dakota. If you have any questions concerning this letter, please contact this office at the number below.

Sincerely,

A handwritten signature in cursive script, reading "Jeanne Goodman". The signature is written in dark ink and is positioned above the printed name and title.

Jeanne Goodman, P.E.
Natural Resources Administrator
Surface Water Quality Program
Phone (605) 773-3351

cc: David Musser, Plant Manager
McCain Foods USA Inc.
East Highway 212
P.O. Box 100
Clark, SD 57225

Chris Hanson, DENR – Air Quality Program
Bill Markley, DENR – Ground Water Quality Program
Jim Wendte, DENR – Waste Management Program
Eric Gronlund, DENR – Water Rights Program

1718A-3

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, May 20, 2004 1:42 PM
To: Goodman, Jim; Erbele, Garland
Cc: Schlaak, Karen
Subject: McCain's old site near Clark

Raymond Kasel with Kasel Industries of Denver called. He said Kasel Industries have taken over the property that was once used by McCain Foods. Previous DENR correspondence had gone to them about maintaining the water right or it becomes subject to forfeiture. They didn't want that to happen. McCain's Foods has been shut down for 2 years but still had product there up to a year ago. They have possession of the property and plan to begin operating within the month. Wanted to make sure the water right was still good (being from Colorado they know the importance of water rights). I told him that from what I know the three year period to use water is not up yet. They intend to begin using water - they had the well serviced and everything worked fine.

5/20/2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 20, 2004

1718A-3

Raymond Kasel
Kasel Industries
3315 Walnut St
Denver CO 80205

Dear Mr. Kasel:

Thank you for contacting us regarding the ownership change for Water Right No. 1718A-3 listed in the name of McCain Foods USA. Enclosed is a copy of the water right for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 1, 20 08

RECEIVED OF Kasel Associated Industries Inc., 3315 Walnut Street, Denver Co. 80205-2429

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1718A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	2	50
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001338

By

Darland Albe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1718A-3

Date: _____

I/We request that Water Right No. 1718A-3

formerly owned by: McCain Foods USA, PO Box 100, Clark SD 57225

be transferred to: (name & address) Ray Kase / LLC 3315 Walnut St
DENVER CO 80205

Telephone No. 303-296-4417

Title to the following described land(s)/property has been transferred as described above:

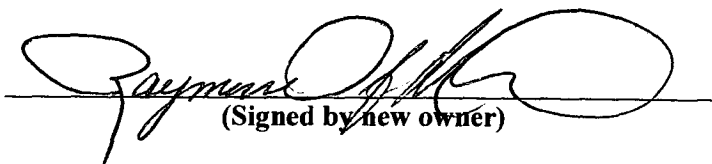
One well located in the SW ¼ SE ¼ Section 6, T116N, R57W

I/We understand that the validity of Water Right No. 1718A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Raymond J. Kase the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

JUN 01 2004

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 2, 2004

1718A-3

Raymond Kasel
Kasel Industries
3315 Walnut St
Denver CO 80205

Dear Mr. Kasel:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for changing ownership of Water Right No. 1718A-3. The transfer has been completed. The water right, formerly held by McCain Foods USA is now listed in the name of "Ray Kasel LLC".

Enclosed is your Receipt No. 001338 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please contact me.

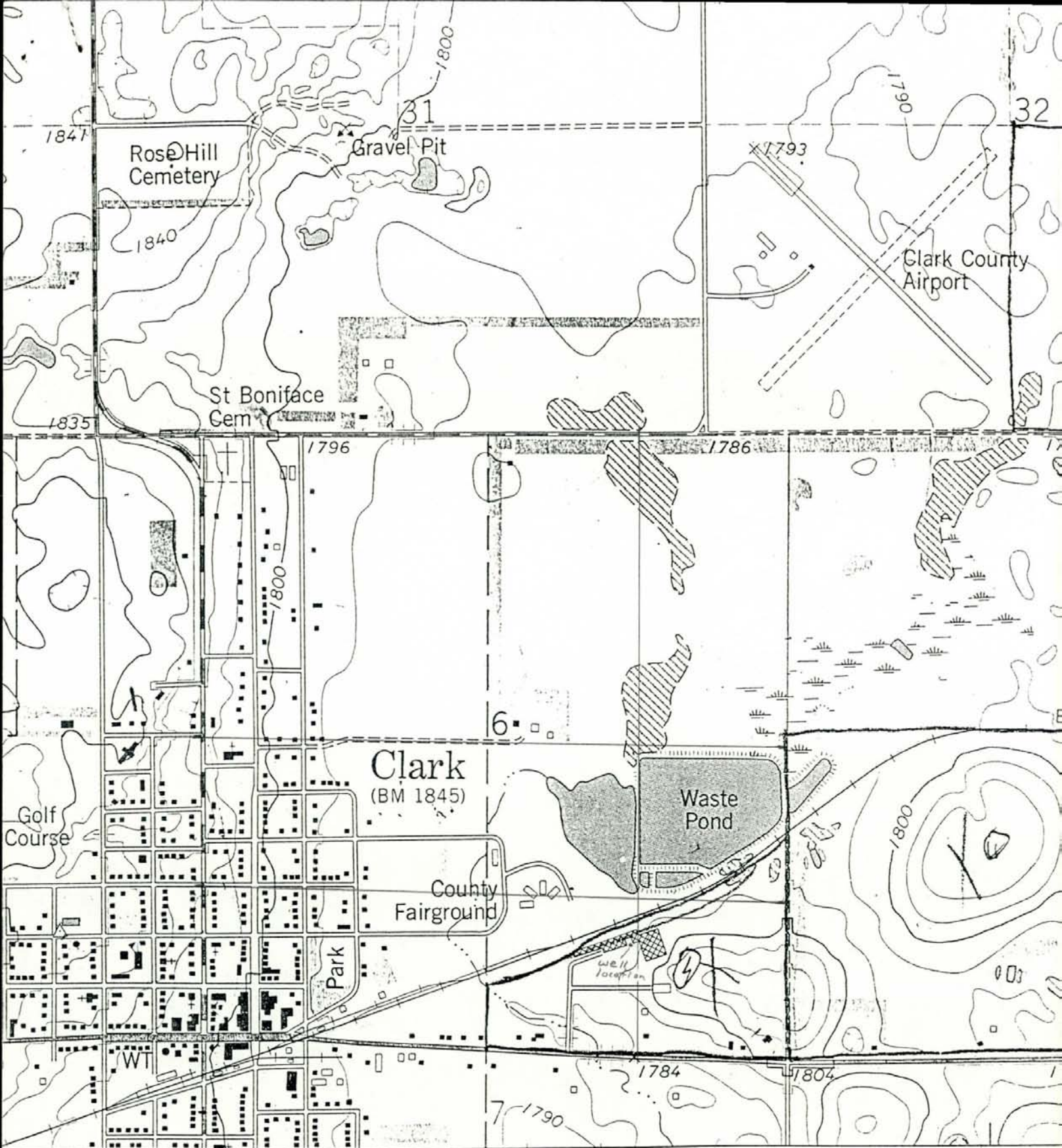
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOT TO SCALE





18 MI. TO S. DAK. 28 R 57 W | 2 590 000 FEET

42' 30"

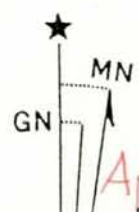
and published by the Geological Survey

NOS/NOAA

ammetric methods from aerial

3. Field checked 1973

*ASCS by
Jeane Maximley*



Appl. No. 1718A-3